

REMARKS

Applicant has carefully reviewed this Application in light of the Final Office Action mailed November 26, 2004. Claims 17-23 were previously cancelled without prejudice or disclaimer due to an election/restriction requirement. Claims 1-16 and 24-30 are currently pending. Claims 1-9 and 24-30 stand rejected under 35 U.S.C. §112, first paragraph, and Claims 1-4 and 8-9 stand rejected under 35 U.S.C. §102(e). Claims 10-16 have been allowed. Applicant has amended Claim 1 to include a limitation previously recited in Claim 5, which limitation the Examiner acknowledges is not taught or suggested by the prior art. Applicant has also amended Claims 5 and 6 to conform with the amendment of Claim 1. Applicant requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 1-9 and 24-30 stand rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, the phrase “at least a portion of . . .” which was added to Claims 1, 5 and 24 in Applicant’s previous Response to Office Action (filed Sept. 7, 2004) was not supported by the original disclosure, and thus the amendments constituted adding new matter.

Applicant respectfully traverses. Regarding Claims 1 and 24, the amendments at issue were as follows, with the added language underlined:

“moving at least a portion of a selected feature from a first pattern file to a second pattern file, the at least a portion of the selected feature located in a cell between a first boundary and a second boundary.”

Applicant submits that these amendments were supported by the original disclosure. According to M.P.E.P. § 608.04, in establishing a disclosure, an applicant may rely on the specification, drawings and claims as originally filed. *See also* M.P.E.P. § 608.01(l). Claim 1 as originally filed recited “moving a selected feature from a first pattern file to a second pattern file, the selected feature located in a cell between a first boundary and a second boundary.” The specification as originally filed recites “As illustrated in FIGURE 3A, *portions of* features

22 and 26 that are located between cell boundaries 27 and proximity boundaries 29 may include different cell-to-cell OPC and may be moved from cell pattern file 32 to frame pattern file 30.” Specification, page 14, lines 24-28 (emphasis added). Further, FIGURES 3A and 3B illustrate moving *portions of* features 22a and 26a from a first pattern file (cell pattern file 32) to a second pattern file (frame pattern file 30).

Thus, the present Application as originally filed discloses (a) moving a selected feature from a first pattern file to a second pattern file (see, e.g., original Claim 1) and (b) moving *portions of* a selected feature from a first pattern file to a second pattern file (see, e.g., Specification, page 14, lines 24-28; and FIGURES 3A-3B). Thus, Applicant respectfully submits that the amendments to Claims 1 and 24 were supported by the original disclosure.

Regarding Claim 5, the amendment at issue was as follows, with the added language underlined:

“reducing dimensions of the cell in the first pattern file to form a reduced cell that excludes at least a portion of the selected feature.”

Applicant notes that this limitation has currently been incorporated in Claim 1, as discussed above. Again, Applicant submits that this amendment was supported by the original disclosure. Claim 5 as originally filed recited “reducing dimensions of the cell in the first pattern file to form a reduced cell that excludes the selected feature.” The specification as originally filed recites “As illustrated in FIGURE 3A, *portions of features* 22 and 26 that are located between cell boundaries 27 and proximity boundaries 29 may include different cell-to-cell OPC and may be moved from cell pattern file 32 to frame pattern file 30. As illustrated in FIGURE 3B, features 24 and the *portions of features* 22 and 26 that are located within *reduced cells* 28 may have substantially identical OPC and therefore may be included in cell pattern file 32.” Specification, page 14, line 24 to page 15, line 2 (emphasis added).

Further, FIGURE 3B illustrates reduced-dimension cells excluding *portions of* features 22a and 26a (which portions have been moved to a second pattern file, as shown in FIGURE 3A). Thus, the present Application as originally filed discloses: (a) reducing dimensions of a cell in a first pattern file to form a reduced cell that excludes a selected feature (see, e.g.,

original Claim 5), and (b) reducing dimensions of a cell in a first pattern file to form a reduced cell that excludes *portions of* selected features (see, e.g., Specification, page 14, line 24 to page 15, line 2; and FIGURES 3A-3B). Thus, Applicant respectfully submits that the amendment to Claim 5 was supported by the original disclosure.

For at least the reasons stated above regarding the amendments to Claims 1, 5 and 24, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 1-9 and 24-30 under 35 U.S.C. §112.

Claims 1-4 and 8-9, as amended, are Allowable.

Claims 1-4 and 8-9 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,284,413 issued to Thomas E. Adams ("*Adams*").

Applicant has amended Claim 1 to include the limitation "wherein moving at least a portion of the selected feature includes reducing dimensions of the cell in the first pattern file to form a reduced cell that excludes at least a portion of the selected feature," previously recited in dependent Claim 5. The Examiner acknowledges this limitation is not taught or suggested by the prior art. (*see* Final Office Action, page 4, comment 6). Thus, Applicant respectfully requests reconsideration and allowance of amended Claim 1, as well as Claims 2-4 and 8-9 that depend from Claim 1. Applicant further notes that no new matter has been added to the claims, and thus a new search is not required by the Examiner.

Allowable Subject Matter

Applicant appreciates the Examiner's allowance of Claims 10-16. Because Applicant believes that Claims 1-9 and 24-30 are allowable for at least the various reasons discussed above, Applicant will await further decision on Claims 10-16 before taking further action regarding such claims.

CONCLUSION

Applicant appreciates the Examiner's careful review of the application. Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicant respectfully requests reconsideration of the rejections and full allowance of Claims 1-16 and 24-30 as amended.

Applicant believes no further fee is due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2581.

Respectfully submitted,

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